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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION THIS DOCUMENT RELATES TO: ALL ACTIONS	**MDL NO. 1791** Case No. M-06-01791-VRW Courtroom 6, 17th Floor The Hon. Vaughn R. Walker

PLAINTIFF PAYNE'S PROPOSED ORGANIZATIONAL PLAN

Plaintiff Payne, (whose case was originally filed in the Southern District of New York - *Payne v. Verizon Communications*, Inc., 3:06-cv-6435 – and has now been transferred to this MDL) by and through her counsel, Johnson & Perkinson, propose that the following Organizational Plan govern the litigation of all actions currently transferred in this MDL proceeding and for any and all tag-along cases that may be subsequently transferred to this Court or otherwise coordinated as part of this proceeding.

Defendants in this MDL proceeding include AT&T Corp. and AT&T Inc. (“AT&T”), Verizon Communications, Inc. (“Verizon”), BellSouth Corp. (“BellSouth”), Sprint/Nextel Corp. (“Sprint”) and each of their associated entities and subsidiaries, as well as numerous other telecommunications companies.

Plaintiff Payne proposes that the Court organize this MDL proceeding by appointing Three Co-Lead Counsel (including Johnson & Perkinson), a five-member Executive Committee, and Liaison Counsel as described below:

(a) Three “Co-Lead Counsel” should be appointed to coordinate the presentation and litigation of common and non-common issues of law and fact applicable to the transferred cases, including the coordinated management of the transferred cases. The members of the Co-Lead Counsel should be comprised of one representative from each of the following categories of plaintiffs: 1) private action plaintiffs; 2) public interest group plaintiffs; and 3) state governments.[1] The representative for the private plaintiffs should be Plaintiff Payne’s counsel, Johnson & Perkinson, a firm which is well versed in class action consumer practice and experienced in coordinating complex discovery against multiple large defendants (*see* www.jpclasslaw.com for a more detailed description of the firm). In the alternative, the Court should permit a limited briefing schedule to allow candidates for appointment as Co-Lead Counsel on behalf of the private plaintiffs to present submissions limited to no more than 10 pages, including any exhibits. Such submissions should include proposed fee structures to be applied to any common benefit award sought by plaintiffs' counsel.

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[1] At this time, after consultation with counsel in the state government cases, Plaintiff Payne’s attorneys understand that these plaintiffs are resisting transfer. Plaintiff Payne believes that transfer is inevitable and therefore includes them in this proposed structure. To the extent the state government plaintiff cases remain separate, that position would be eliminated from the structure.

The Court should allow the public interest groups and the state governments to attempt to select their own representatives to the Co-Lead Counsel group and, if they cannot agree, accept papers not exceeding ten pages in length describing why any one of them should be appointed.

(b) Five "Executive Commmittee" members who will work under the direction of Co-Lead Counsel with each member responsible for one of the major defendants (AT&T, Verizon, BellSouth, Sprint) and another to oversee the litigation as to any miscellaneous defendants as a single group. Again, the Court should allow petitions of no more than ten pages to be submitted for appointment to the Executive Committee

(c) Liaison Counsel should be appointed solely for coordinating purposes to act under the direction of Co-Lead Counsel. Again, the Court should allow petitions of no more than ten pages to be submitted for appointment as Liaison Counsel.

A. Co-Lead Counsel's Duties

Co-Lead Coordinating Counsel shall lead the coordination of the activities of Plaintiffs during pretrial proceedings. Coordination activities include communicating with Plaintiffs' counsel and defense counsel on questions of discovery, motions and other pre-trial and trial matters. Co-Lead Coordinating Counsel shall also have the following responsibilities and duties in this litigation to perform or delegate as appropriate:

a) To ensure efficient and consistent presentation of matters before the Court for Plaintiffs;

b) To coordinate the litigation on behalf of the Plaintiffs, including delegating specific tasks to other counsel, in a manner to ensure that pre-trial preparation for the Plaintiffs is conducted effectively, efficiently and economically;

c) To consult with Plaintiffs' Executive Committee on matters of common concern;

d) To call meetings of other Plaintiffs' counsel and/or defense counsel to effectuate these provisions as necessary;

e) To implement any Case Management Orders entered herein, and coordinate all pre-trial matters, including discovery, as set forth herein;

f) To assess among Plaintiffs’ counsel and advance all costs necessary for proof of all Plaintiffs’ claims generally; and

g) To perform all other duties and undertake such other responsibilities as they deem necessary or desirable to properly coordinate Plaintiffs' pretrial, trial and/or appellate activities, or as authorized by further order of the Court.

Defendants may rely upon all agreements made with Plaintiffs' Co-Lead Counsel and such agreements shall be binding on Plaintiffs whose cases are subject to the jurisdiction of this Court.

B. Executive Committee

The members of the Executive Committee shall operate pursuant to and under the direction of Co-Lead Counsel and may be assigned have the following responsibilities and duties in this litigation which by Co-Lead Counsel:

a) To determine and present (in briefs, oral argument or such other fashion as may be appropriate, personally or by designee) to the court and opposing parties the position of plaintiffs on all matters arising during pretrial proceedings;

b) To consult with Co-Lead Counsel on matters of common concern;

c) To contribute to the common benefit cost fund for the prosecution of the case;

d) To supervise, manage, and direct assigned litigation tasks;

e) To conduct pre-trial, trial, and post-trial proceedings at the direction of Co-Lead Counsel;

f) To consult with and employ consultants and experts;

g) With the permission of Co-Lead Counsel, to communicate with defense counsel on questions of discovery, motions and other pre-trial matters;

h) Assisting Co-Lead Counsel with the coordination of expert and fact discovery;

i) Assisting Co-Lead Counsel with the coordination of pre-trial motion practice and briefing; and

j) Consulting with Co-Lead Coordinating Counsel on matters of common concern.

C. Plaintiffs' Liaison Counsel Selection and Duties

The Court should appoint a single frim to serve as Liaison Counsel to the Court should the Court need to contact Plaintiffs' counsel for scheduling or related matters.

At the direction of Co-Lead Coordinating Counsel, Liaison Counsel shall be responsible for:

a) Maintaining and distributing to Plaintiffs' counsel an up-to-date service list;

b) Receiving and, as appropriate, distributing to Plaintiffs' counsel orders from the Court and documents from other parties and counsel;

c) Maintaining and making available to Plaintiffs' counsel at reasonable hours a complete file of all documents served by or upon each party, except such documents as may be available at a document depository.

CONCLUSION

For the reasons stated above, Plaintiffs respectfully request that the Court adopt Plaintiffs' Joint and Agreed Organization Plan.

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Respectfully submitted,

ROSLYN PAYNE

By _______________

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